

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

PARKS, LLC.

Plaintiff,

v.

TYSON FOODS, INC., and  
HILLSHIRE BRANDS COMPANY,

Defendants.

---

Civil Action No. 15-0946-JFL

**EXPEDITED MOTION OF DEFENDANTS TYSON FOODS, INC. AND  
HILLSHIRE BRANDS COMPANY TO COMPEL PLAINTIFF  
TO PROVIDE PROPER RESPONSES TO DEFENDANTS'  
FIRST RULE 33 AND RULE 34 DISCOVERY REQUESTS**

Pursuant to Rule 37(a)(3)(B) of the Federal Rules of Civil Procedure, and Local Rules 7.1 and 26.1, Defendants Tyson Foods, Inc. and Hillshire Brands Company ("Defendants") hereby move this Court for an Order compelling Plaintiff Parks, LLC ("Parks") to fully respond to Defendants' discovery requests served on May 22, 2015; specifically, Defendants' First Set of Requests for Production of Documents and Defendants' First Set of Interrogatories. The Plaintiff's current responses and answers are incomplete and deficient. Defendants also move for an expedited briefing schedule in light of the impending discovery deadline of September 15, 2015. Rather than the proscribed period of 14 days under Local Rule 7.1(c), Defendants request that any response brief be due within 7 days of filing, or by August 7, 2015.

As required under Rule 26.1(f), Defendants hereby certify that the parties, after reasonable effort, have been unable to resolve the dispute without resort to motions practice. Defendants' discovery has been pending since May 22. After a meet and confer phone conference on July 20,

Defendants initiated a telephonic hearing with the Court on July 28. The Court heard the parties telephonically on July 28, and in light of the parties' representations in writing in advance and before the Court on the telephone, directed Defendants to file the present Motion.

Dated: July 31, 2015

/s/

Mark H. Churchill (admitted *pro hac vice*)  
John J. Dabney (admitted *pro hac vice*)  
Mary D. Hallerman (admitted *pro hac vice*)  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street NW  
Washington, DC 20001  
Email: mchurchill@mwe.com;  
jdabney@mwe.com; mhallerman@mwe.com  
Telephone: 202-756-8000  
Fax: 202-756-8087

Daniel T. Brier  
MYERS, BRIER & KELLY  
425 Spruce Street  
Scranton, PA 18501-0551  
Email: dbrier@mbklaw.com  
Telephone: 570-342-6100

*Attorneys for Defendants Tyson Foods, Inc.  
and Hillshire Brands Company*

**CERTIFICATE OF SERVICE**

I, Mary D. Hallerman, hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record via the Court's ECF system on this 31<sup>st</sup> day of July, 2015:

James C. McConnon  
Alex R. Sluzas  
Paul & Paul  
Three Logan Square  
1717 Arch Street  
Suite 3740  
Philadelphia, PA 19103  
Email: j.mcconnon@paulandpaul.com; ars@paulandpaul.com

/s/Mary D. Hallerman  
Mary D. Hallerman (admitted *pro hac vice*)  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street NW  
Washington, DC 20001  
Email: mhallerman@mwe.com  
Telephone: 202-756-8738

DM\_US 62839589-1.035969.0205